

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CONSUELO VELOZ, et al.,

Plaintiffs,

vs.

Civ. No. 98-808 HB/LCS

ARTURO DEL RIO, et al.,

Defendants.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

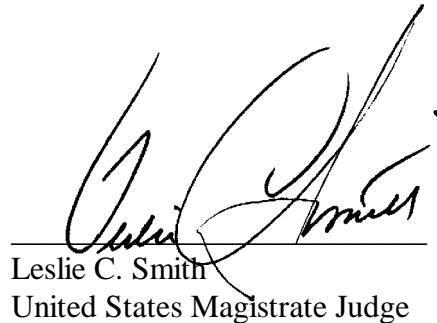
Proposed Findings

1. This matter comes before the Court as a result of the January 25, 1999 Order to Show Cause. Having held a hearing on this matter on February 9, 1999 and made a record thereof, I hereby make the following findings:

- a. On December 19, 1998, this Court noticed the parties including Defendant Del Rio that a Rule 16 Initial Scheduling Conference was set for January 19, 1999 at 11:00 a.m.
- b. Counsel for the Plaintiffs and Defendant Clayshulte appeared at the Rule 16 Initial Scheduling Conference. Defendant Del Rio did not appear.
- c. On January 25, 1999, the Court entered an Order to Show Cause whereby Defendant Del Rio was ordered to show good cause for his failure to appear at the Rule 16 Initial Scheduling Conference. The Order to Show Cause also provided notice to Defendant Del Rio of the hearing on this matter set for February 9, 1999 at 1:30 p.m.
- d. Defendant Del Rio did not appear at the Order to Show Cause hearing.

Recommended Disposition

Pursuant to Fed. R. Civ. P. 16(f) and 37(b)(2)(C), I recommend that judgment be entered against Defendant Del Rio for his unjustified disobedience of this Court's orders. I further recommend that the judgment against Defendant Del Rio shall not affect the liability, if any, of Defendant Clayshulte. Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.



Leslie C. Smith
United States Magistrate Judge